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| 10/021,054 | 12/19/2001 | Patrice Brissette | 583P17US | 9819 |

26123 7590 12/13/2004
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| EXAMINER |
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DAMIANO, ANNE L

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| ART UNIT | PAPER NUMBER |
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2114

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,054

Applicant(s)

BRISSETTE, PATRICE

Examiner

Anne L Damiano

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5,6 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 7 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/28/03, 3/21/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Dennis Haszko (Reg. No 39575) on 12/8/04.

The application has been amended as follows:

Claim 6, line 1, replace "device" with --method-- before "as in claim 5."

Claim 7, line 1, replace "device" with --method-- before "as in claim 5."

Claim 8, line 1, replace "device" with --method-- before "as in claim 5."

Claim 10, line 1, replace "device" with --method-- before "as in claim 9."

Claim 12, line 1, replace "device" with --method-- before "as in claim 9."

Allowable Subject Matter

3. Claims 1-4 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter:

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The primary reason for allowance of claims 1-4 is the inclusion of a device including: at least two processor modules; a controller for receiving the data, and a controller having: a status register; a level register; and a working register for recording a priority sequence of the at least two processor modules based on a level recorded in the level register, wherein commands and incoming data are received by the controller and are passed on to the at least two processor modules through an interface in the method for processing data transmission units are recited in the claims.

5. Claims 7 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5,6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Admitted Prior Art (hereafter, "AAPA")

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As claims 5 and 9, AAPA discloses the method and a computer readable media having encoded thereon instructions relating to the method for processing data transmission units (DTUs) the method comprising:

- a) Receiving a DTU for processing by a processing unit (paragraphs 4-6);
- b) Creating data relating to a payload of the DTU for use as an indication relating to a performance of a network through which the DTU is to transit (paragraph 6);
- c) Storing the data in the DTU (paragraphs 4-8);
- d) Incrementing a tandem connection monitoring level for the DTU (paragraph 24)

(Although this paragraph is in Description of the Invention section of disclosure, paragraph 24 is further explaining the admitted existing G.709 recommendations.); and

- e) Transmitting the DTU through the network for eventual transmission to a destination by a transmitting unit (paragraph 6). (In the background of the specification, Applicant describes instant invention as “a hardware solution to implementing the G.709 recommendations” (paragraph 11). In various paragraphs of the detailed description of the invention, Applicant further explains the G.709 recommendations. However, claim 5 claims the method in steps that do not make a clear distinction over the method of the described existing software-based G.709 standard.)

As in claims 6 and 10, AAPA discloses the method is in claim 5, wherein the data stored in a header of the DTU (paragraph 4: lines 7-11).

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As in claim 8, AAPA discloses a method as in claim 5 wherein the data created in step b) is created using bit interleaved parity calculations (paragraph 6: lines 1-3).

As in claim 11, AAPA discloses a method as in claim 9 wherein step d) is accomplished by performing bit interleaved parity calculations on a payload of the DTU and comparing a result of the calculations with the data (paragraph 6).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (571) 272-3658. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALD



SCOTT BADERMAN
PRIMARY EXAMINER